

**From:** NC Policy Watch [info@ncpolicywatch.com]  
**Sent:** 12/7/2017 8:01:11 AM  
**To:** Stallard, Lorea A [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=742fa809a86c430383d6707ebab07599-lastallard]  
**Subject:** [External] Atlantic Coast Pipeline sues NC landowners, asks federal court to allow "quick take" of properties

**CAUTION:** External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to report.spam@nc.gov.

# NC POLICY WATCH

Stories & voices  
that **matter.**

## Atlantic Coast Pipeline sues NC landowners, asks federal court to allow "quick take" of properties

By [Lisa Sorg](#)

The [Gardner farm](#) in Wade, population 567, in Cumberland County has been in the family for more than 70 years. On these 960 acres, two generations of Gardners have raised grains, oats, barley, soybeans, and more recently, beef cattle.

But the Gardner family is now among several defendants in a federal case involving the Atlantic Coast Pipeline. ACP, LLC, which includes majority owners Duke Energy and Dominion Energy, filed several motions over the past week asking US District Court Judge Terence Boyle to allow them to use eminent domain to seize portions of the defendants' property. However, what distinguishes this case is that ACP, LLC wants to take the property without paying the land owners first. This is known as a "quick take."

Similar documents have been filed against five defendants, including owners of a strawberry farm, in Nash County.

Henry Kitchin Jr., an attorney with McGuireWoods in Wilmington who is representing ACP, LLC, did not respond to questions via email.

Doris Gardner, who recently turned 90, said the pipeline would cross a small corner of her family farm. Although a map indicates a temporary easement would encompass a little more than a tenth of an acre, that land is nonetheless the Gardners'. "Maybe we don't want the pipeline," she said. "Maybe we don't need it."

Under a typical eminent domain case, the party doing the seizing, such as a government agency that is building a highway, must pay the landowner "just compensation" for the use of the property. What qualifies as "just" is open to interpretation; land owners in these cases often say they've been underpaid for their property's value. At public forums about the Atlantic Coast Pipeline, several property owners have complained that they felt lowballed by land agents in the financial negotiations.

Once landowners have been paid, then a government agency or company can access the property.

But in this recent case, the landowners have rejected ACP, LLC's offers, which, according to court documents, each exceed \$3,000. Since the negotiations have reached an impasse, ACP, LLC is asking the judge to allow the company to deposit money in a designated account to pay the property owners for the easements later. However, the Natural Gas Act of 1938, one of the main statutes governing the project, contains no quick-take

provision.

"This is going to be a big fight between the gas company lawyers, the defense lawyers and environmental groups," said property rights attorney Charles Lollar. [[Read more...](#)]

#### **Progressive Pulse Blog:**

- [U.S. House passes first major gun bill since Las Vegas...and it makes things worse](#)
- [NC DEQ delays decision on Atlantic Coast Pipeline air permit, requests more info on toxic pollutants](#)
- [State Board of Education weighs charter's contract with former state legislator, charter advisor](#)
- [Charges dropped against UNC professor who protested Silent Sam](#)
- [Next up in Congress, cuts to programs that deliver opportunity, strengthen economy](#)
- [Mark Johnson's budget advisor played part in funding issue he's now criticizing while part of the McCrory administration](#)

#### **Daily Radio Commentary:**

- [More destructive tricks by ideologues on the UNC Board of Governors](#)

#### **Daily News:**

- **Trump declares Jerusalem Israeli capital, smashing US policy**  
[Raleigh News & Observer](#)
- **During Trump inaugural, Flynn greenlighted nuclear project with Russia**  
[Raleigh News & Observer](#)
- **Senators weigh alternates to head-to-head judicial elections**  
[WRAL.com](#)
- **'Dirty trick': Rep. Ted Budd sets up website with Democratic challenger's name**  
[Raleigh News & Observer](#)
- **New ransom tactics are 'unstoppable' — as North Carolina county discovers**  
[Raleigh News & Observer](#)
- **North Carolina county's ransomware recovery will take days**  
[Associated Press / WRAL.com](#)
- **North Carolina county won't pay hacker ransom**  
[WRAL.com](#)
- **Calls for immigration reform get louder as potential government shutdown nears**  
[WRAL.com](#)
- **Lieutenant governor to speak at Wesleyan Saturday**  
[Rocky Mount Telegram](#)
- **State lawmaker criticizes prison management, calls for change**  
[WRAL.com](#)
- **Hurricane Matthew victims return home, 14 months later**  
[The Fayetteville Observer](#)
- **More As, fewer Fs for Guilford in state's annual school report cards**  
[Greensboro News & Record](#)
- **'We're confident': Bennett College leaders lay out a path forward**  
[Greensboro News & Record](#)
- **Groups sue over Belews Creek coal ash**  
[Journalnow.com](#)

#### **Daily Editorials:**

- **Conyers exits as movement against harassment gains momentum**  
[Raleigh News & Observer](#)
- **Bob Spearman argued for NC's poor children's right to an education**

[Raleigh News & Observer](#)

- **County is right to make GenX its top priority**  
[The Fayetteville Observer](#)
- **Public notice plan not good for public**  
[Greensboro News & Record](#)
- **Remembering Pearl Harbor**  
[Journalnow.com](#)

Our work is supported by readers like you.

[Help us to continue expanding](#) our aggressive reporting and thoughtful commentaries. [Make a tax-deductible financial contribution today!](#)

**Donate**

Follow us on Facebook and Twitter: *To get regular updates from NC Policy Watch, you can now follow us on [Facebook](#) and [Twitter](#).*

Join the policy debate at [The Progressive Pulse blog](#).

NC Policy Watch is a project of [the North Carolina Justice Center](#).  
© 2016 NC Policy Watch | 224 S. Dawson Street, Raleigh, NC 27601

You are receiving this email because you signed up online or at an in-person event with NC Policy Watch or the NC Justice Center. You may also be receiving this email because you registered to attend one of our events. To stop receiving this email, simply [click here to unsubscribe](#) or [here to manage your subscription](#).

empowered by  salsa